

By: Carmichael

To: Judiciary

SENATE BILL NO. 3046

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE IMPOSITION OF STORAGE CHARGES AGAINST TOWED
3 VEHICLES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 85-7-251, Mississippi Code of 1972, is
6 amended as follows:[CSQ1]

7 85-7-251. (1) The owner of a motor vehicle that has been
8 towed at his request or at the direction of a law enforcement
9 officer, or towed upon request of a real property owner upon whose
10 property a vehicle has been left without permission of the real
11 property owner for more than five (5) days, shall be liable for
12 the reasonable price of towing and storage of such vehicle
13 provided that the towing company has complied with the
14 requirements of this section; and the towing company to whom the
15 price of such labor and storage costs may be due shall have the
16 right to retain possession of such motor vehicle until the price
17 is paid unless it has not complied with the requirements of this
18 section.

19 (2) Within twenty-four (24) hours, the towing company shall
20 report to the local law enforcement agency having jurisdiction any
21 vehicle that has been towed unless the vehicle was towed at the
22 request of the owner of the vehicle. If the owner of a towed
23 vehicle has not contacted the towing company within five (5)
24 business days of any initial tow that was not at the request of
25 the owner of the vehicle, the towing company shall obtain from the
26 appropriate authority the names and addresses of any owner and

27 lienholder. If the information from the appropriate authority
28 fails to disclose the owner or lienholder, a good faith effort
29 shall be made by the towing company to locate ownership, including
30 a check for tag information, inspection sticker, or any papers in
31 the vehicle that may indicate ownership. Upon location of the
32 owner and lienholder, the towing company shall notify them by
33 registered mail of the amount due for towing and the amount
34 accruing daily for storage and all other charges, postmarked no
35 later than seven (7) days following the initial tow. If such
36 amount shall not be paid within thirty (30) days from the initial
37 tow, the towing company to whom such charges are payable shall
38 notify by certified mail any legal owner and holder of any lien,
39 as disclosed by the motor vehicle title records or other
40 investigation, of notice of sale of the property. If such
41 property has not been redeemed within ten (10) days after the
42 mailing of the certified letter, the towing company may commence
43 sale of the property at public auction. The towing company shall
44 publish for two (2) consecutive weeks a notice of sale in the
45 newspaper having circulation in the county where the vehicle was
46 initially towed. The proceeds of the sale of such property in
47 excess of the amount needed to pay the towing, reasonable storage
48 and necessary expenses of the procedures required by this section
49 shall be held by the towing company for a period of six (6)
50 months, and, if not reclaimed by the owner thereof within such
51 time, shall become the property of the county and be paid to the
52 chancery clerk of the county in which the sale was held to be
53 deposited into the county general fund, subject, however, to any
54 rights of the recorded lienholder.

55 (3) The failure to make a good faith effort to comply with
56 the requirements of this section shall preclude the imposition of
57 any storage charges or towing charges whatsoever against the towed
58 vehicle.

59 (4) Every towing company shall maintain accurate records for
60 a period of three (3) years, which records shall identify the
61 vehicles it has towed and stored and all procedures that it has
62 taken to comply with the provisions of this chapter.

63 SECTION 2. This act shall take effect and be in force from

64 and after July 1, 2000.